

RESOLUTION NO. 2004- 38

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY  
WATER AUTHORITY APPROVING AMENDMENTS TO THE SAN DIEGO  
COUNTY WATER AUTHORITY LOCAL CONFLICT OF INTEREST CODE

Whereas, on September 23, 2004 the Board of Directors set October 28, 2004 as the date for the Administrative and Legal Committee to hold a public hearing to consider amendments to the San Diego County Water Authority Local Conflict of Interest Code; and

Whereas, on October 28, 2004 the Administrative and Legal Committee held a public hearing to consider amendments to the San Diego County Water Authority Local Conflict of Interest Code; and

Whereas, following the public hearing the Administrative and Legal Committee recommended adoption of amendments to the San Diego County Water Authority Local Conflict of Interest Code;

Now, therefore, the Board of Directors of the San Diego County Water Authority resolves:

1. The San Diego County Water Authority Local Conflict of Interest Code Appendix (2004 Update), attached hereto, is approved.
2. The General Counsel is directed to provide a certified copy of this resolution to the Clerk of the Board of Supervisors.

PASSED, APPROVED AND ADOPTED, on this 28th day of October, 2004 by the following vote:

AYES: Unless noted below all Directors voted aye.

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

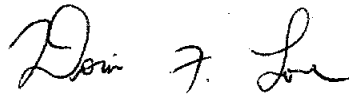
ABSENT: Ball, Dailey, Haddad, Jaeschke, Rhinerson, Rogers, Representative Slater-Price

  
Bernie Rhinerson, Chair

ATTEST:

  
George C. Loveland, Secretary  
Board of Directors

I, Doria F. Lore, Clerk of the Board of the San Diego County Water Authority, do hereby certify that the above and foregoing is a full, true and correct copy of said Resolution No. 2004-38 of said Board and that the same has not been amended or repealed.

A handwritten signature in cursive script, reading "Doria F. Lore", written in dark ink.

Doria F. Lore

## **APPENDIX**

### **SAN DIEGO COUNTY WATER AUTHORITY LOCAL CONFLICT OF INTEREST CODE**

#### **List of Designated Positions and Disclosure Requirements (20024 Update)**

#### **SECTION 1: AUTHORITY AND SCOPE**

This Appendix is adopted pursuant to and as a part of the San Diego County Water Authority Local Conflict of Interest Code, which adopts by reference the latest provisions of Section 18730 of Title 2 of the California Code of Regulations.

The San Diego County Water Authority Local Conflict of Interest Code contains both requirements for the disclosure of financial interests and disqualification requirements. Violations of the local conflict of interest code are subject to the administrative, criminal and civil sanctions of the Political Reform Act.

This Appendix contains a list of designated positions and disclosure requirements for employees holding designated positions. This Appendix is the "Appendix" referred to in subsection (b)(3) [Disclosure Categories] of 2 Cal. Code of Regs. Section 18730. The General Manager, in consultation with the General Counsel, may add designated positions and establish disclosure requirements for such positions whenever a new job classification is created. Such designation shall be effective pending amendment of the Code or this Appendix by the Board of Directors.

The Members of the Board of Directors, the General Manager, the Director of Finance and the Treasurer are designated as "other public officials who manage public investments" under Government Code Section 87200 and 2 Cal. Code of Regulation Section 18720. Persons in these positions are required to disclose financial interests pursuant to Government Code sections 87200 - 87210 and are therefore not included in the list set forth below. However, such persons are subject to the disqualification requirements of the San Diego County Water Authority Local Conflict of Interest Code.

#### **SECTION 2: EFFECTIVE DATE**

This 20024 update of the Appendix shall be effective the day following its approval by the code reviewing body. The San Diego County Board of Supervisors is designated by statute as the code reviewing body for the San Diego County Water Authority. Following approval by the code reviewing body, this Appendix remains in effect until repealed or superseded.

#### **SECTION 3: LIST OF DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES**

The positions within the Water Authority listed in this section are "designated positions." Any person whose employment position (whether full time, part time or temporary) with the Water

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Authority is a designated position, is a "designated employee" for the purposes of the local conflict of interest code. Designated employees shall disclose in the manner provided in the local conflict of interest code, those reportable financial interests which are within each of the categories represented by the numerals following each listed position. Each disclosure category is identified by a number and is described below. Disclosure requirements for interests in each disclosure category are set forth in subsection (b)(7) [Manner of Reporting] of 2 Cal. Code of Regs. Section 18730.

Category Number	Reportable Financial Interests
1	All investments
2	All sources of income
3	All interests in real property
4	All business positions
5	Investments and business positions in business entities, and sources of income, engaged directly or indirectly, in land development, construction, civil engineering, environmental consulting, land planning, real estate (including without limitation brokerage, sales, marketing, leasing, appraisal, and lending), commercial lending, banking or farming.
6	Investments and business positions in business entities, and sources of income, engaged, directly or indirectly, in development, distribution, transfer, conservation, storage, treatment, reclamation or marketing of water.
7	Investments and business positions in business entities, and sources of income, engaged in architecture, engineering, accounting, auditing, law, public relations, provision of temporary employees, office products, telecommunications, computer hardware and software, personnel services, management services, or in the manufacture, production, vending or servicing of goods, materials, machinery or equipment of the type routinely used or purchased by public water agencies; including those entities and sources within the scope of category 8.
8	Investments and business positions in business entities, and sources of income who have contracted with the Authority within the past two years or who in the future may foreseeably contract with the Authority to provide services, supplies, materials, machinery or equipment. Reporting under this category shall apply to those contracts for services, supplies, materials, machinery or equipment acquisition the solicitation, negotiation, or administration of which are within the scope of regular and customary job duties of the employee.

**Designated Positions**

**Disclosure Categories**

*General Manager's Office*

Assistant General Manager	1, 2, 3, 4
Deputy General Manager	1, 2, 3, 4
Executive Assistant to the General Manager	1, 2, 3, 4
Senior Water Resources Specialist	5, 6, 7
Executive Administrative Assistant	8

*General Counsel's Office*

General Counsel	1, 2, 3, 4
Assistant General Counsel	1, 2, 3, 4
Deputy General Counsel	1, 2, 3, 4
Legal Administrative Assistant	8

*Administrative Services Department*

Director of Administrative Services	1, 2, 3, 4
Clerk of the Board	7
Deputy Clerk of the Board	7
Contract Analyst	5, 6, 7
Assistant Management Analyst	8
Data Base Administrator	7
Facilities Services Technician	7
Geographical Information Systems Manager	5, 8
Small Contract Program Manager	5, 7
Information Systems Supervisor/Coordinator	7
Information Systems Manager	7
Geographical Information Systems Manager	5, 8
Purchasing Manager	1, 2, 3, 4
Purchasing Technician Land II	8
Risk Manager	5, 6, 7
Safety Officer	8
Senior Management Analyst	5, 6, 7, 8
Web Technology Analyst	8
Small Contractor Program Manager	5, 7
Supervising Management Analyst	5, 6, 7
Warehouse Supervisor	7

*Engineering Department*

Director of Engineering	1, 2, 3, 4
Assistant Director of Engineering	1, 2, 3, 4
Assistant Management Analyst	8

Administration and Controls Manager	5, 6, 7
Assistant Management Analyst	8
Engineer (P.E.)	5, 6, 7
Engineer I	5, 8
Engineer II	5, 8
Engineering Manager	1, 2, 3, 4
Engineering Technician I	5
Engineering Technician II	5
Financial Analyst	7
Management Analyst	8
Principal Civil Engineer	1, 2, 3, 4, 5, 6, 7
Senior Civil Engineer	5, 6, 7
Senior Engineering Technician	5, 7
Senior Management Analyst	5, 6, 7
Senior Survey Technician	5, 8
Supervising Administrative Assistant	8
Supervising Engineering Tech.	5, 6, 7
Supervising Management Analyst	5, 6, 7
Survey Technician	5, 8

Finance Department

Controller	1, 2, 3, 4
Assistant Treasurer	1, 2, 3, 4
Budget Officer/Analyst	8
Accounting Supervisor	8
Accountant	8
Investment Analyst	8
Rate and Debt Administrator	1, 2, 5
Financial Analyst I	1, 2
Financial Analyst II	1, 2
Financial Planning Manager	1, 2, 3, 4
Financial Services Manager/Asst. Treasurer	1, 2, 3, 4
Senior Accountant	8

Human Resources Department

Director of Human Resources	2, 5, 7
Senior Human Resources Analyst	7

Imported Water Department

Director of Imported Water	1, 2, 3, 4
Senior Civil Engineer	5, 6, 7
Inter-agency governmental Program Manager	6, 7

Principal Water Resources Specialist	6, 7
Senior Public Affairs Representative	8
Senior Water Resource Specialist	6, 8
Water Resource Specialist	6, 8
Water Resources Manager	5, 6, 7

*Public Affairs Department*

Director of Public Affairs	1, 2, 3, 4
Education Programs Supervisor	7, 8
Education Programs Specialist	8
Public Affairs Supervisor	7
Public Affairs Representative II	8
Public Affairs Representative I	8
Senior Public Affairs Representative	7, 8

*Operations and Maintenance Department*

Director of Operations and Maintenance	1, 2, 3, 4
Electrical/Electronics Supervisor	7
Facilities Construction Superintendent	5, 7
Facilities Services Technician	7
Fleet Maintenance Supervisor	7
Management Analyst	5, 7
Operations and Maintenance Manager	5, 7
Senior Electrical/Electronics Technician	7
Senior Engineering Technician	7
Senior Maintenance Technician	7
Senior Management Analyst	5, 7
Supervising Management Analyst	5, 7
Senior System Operator	8
Systems Operations Supervisor	7
System Maintenance Supervisor	7

*Right of Way Department*

Director of Right of Way	1, 2, 3, 4
Assistant Management Analyst	8
Engineering/Right of Way Technician I	5
Engineering/Right of Way Technician II	5
Supervising Land Surveyor (PLS)	5, 7
Right of Way Supervisor	5, 7
Right of Way Agent	5, 7

Right of Way Inspector	5
Senior Right of Way Agent	5, 7
Senior Right of Way Inspector	5, 7
Senior Survey Technician	5, 8
Survey Technician	5, 8

Water Resources Department

Director of Water Resources	1, 2, 3, 4	
Assistant Management Analyst	8	
Senior Civil Engineer	5, 6, 7	
Water Resources Manager	5, 6, 7	
Principal Water Resources Specialist supervisor		5, 6, 7
Water Resources Specialist	5, 6, 7	
Senior Water Resources Specialist	5, 6, 7	

Consultants

Fair Political Practices Commission regulation [2 Cal. Code of Regs. section 18701(a)] defines "consultant" as an individual whom, pursuant to a contract with a state or local governmental agency:

(a) Makes a governmental decision whether to:

- (1) Approve a rate, rule or regulation;
- (2) Adopt or enforce a law;
- (3) Issue, deny, suspend, or revoke a permit, license, application, certificate, approval, order, or similar authorization or entitlement;
- (4) Authorize the agency to enter into, modify, or renew a contract provided it is the type of contract that requires agency approval;
- (5) Grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
- (6) Grant agency approval to a plan, design, report, study, or similar item;
- (7) Adopt, or grant agency approval of, policies, standards, or guidelines for the agency, or for any subdivision of the agency; or

(b) Serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's local conflict of interest code.

Disclosure required:



Disclosure required by consultants shall be determined on a case-by-case basis by the General Manager, or in the case of legal service contracts by the General Counsel. The General Manager, in consultation with the General Counsel, or General Counsel may determine whether a person is a consultant and what disclosure, if any, is required by the consultant. The determination shall be in writing and shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The written determination is a public record and shall be retained for public inspection in the office of the Clerk of the Board. The written determination may be made as a part of the contract pursuant to which the consultant provides services to the Authority. Subject to the foregoing, consultants that meet the definition of paragraph (b), above, generally will disclose financial interests in the same manner as is required for the designated position the duties of which are performed, in whole or in part, by the consultant.